

In re Patent Application of:
KELVIN TODD EVANS
Serial No. 10/620,283
Filing Date: 7/15/2003

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts and guidance in the examination of this application. Claims 1-33 remain in the case. Claims 1-33 were objected to because of informalities and now have been amended to overcome the objections as guided by the Examiner's recommendations. An objection was also made under 35 USC §132 wherein it appeared to the Examiner that new matter was introduced in the amendment filed on 5/7/04, and with regard to Claim 19. Claims 1-33 were rejected under 35 USC §103(a) as being unpatentable over US Patent No. 5,988,943 to McCord.

With regard to new matter, attention is drawn to FIG. 3, by way of example. The specification as originally filed supports the language of Claim 19 as amended. Effluent retention portions (20, 24, 26) clearly have greater inner cross-sectional areas than that of conduit portions (22, 28) now clearly described in amended Claim 19. Applicant appreciates the Examiner's determination that there is no single reference that anticipates the present invention. Respectfully, the Examiner's rejection under 35 USC §103(a) fails to make a prima facie case of obviousness because there is no suggestion in McCord '943 to form a manifold having features as claimed. The suggestions made by the Examiner that one conduit portion fits within a retention portion and thus the inner cross-sectional area of the retention portion is greater is not applicable to the claimed invention. McCord '943 teaches connecting male to female

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connecting ends of T connectors, which typically provide a uniformly dimensioned inner conduit. There is no teaching in McCord '943 to the contrary. It is only the view of the Examiner and only as a result of the teachings of the Applicant. In fact, McCord '943 teaches outlet fittings (25) having pipe pieces (34), and no disclosure or suggestion to support other than what one of ordinary skill in the art would understand the inner conduit to have a generally uniform cross-sectional dimension for smooth fluid flow therethrough. McCord '943 is silent regarding any modification of known Schedule 40 pipe and fillings "commonly used in sewage disposal systems" (see Col 3, Line7). For clarification and to more clearly distinguish the claimed invention over the known prior art, independent claims 1, 7, 19, and 26 have been amended to include an inner cross-sectional area of the elongate tubular member for the effluent retention portion greater than the inner cross-sectional area for the conduit portion such that fluid entering the elongate tubular member passes through the conduit portion and is retained within the effluent retention portion during use of the manifold.

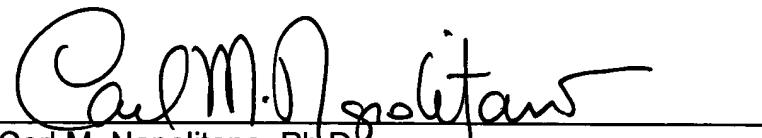
The Examiner has stated that it would have been obvious to one of ordinary skill in the art to provide ribs on McCord in order to provide and impart additional strength to the pipe (see bottom of Page 5). As supported by the specification (par 28), the ribs are used in combination with a clamping device, as illustrated with reference to FIG. 10, for supporting the manifold during installation of a drain field. There is not a suggestion nor is there a reason to strengthen the pipe as suggested by the Examiner. Yet further, the

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rib is specifically located with the conduit portion (see par. 22). It is only through the teachings of the Applicant that one would know to place the rib at such a location.

Applicant respectfully submits that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for his efforts and guidance provided in the examination of this application and for reconsideration of the claims as amended in light of the clarification presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



Carl M. Napolitano, Ph.D.

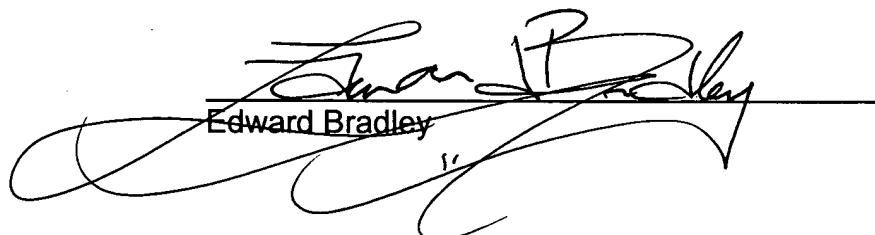
Reg. No. 37,405

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CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 22nd day of December, 2004.



Edward Bradley